

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you.
- AND**
2. You believe it is incorrect.

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED:

1. **NOTICE OF APPEAL**....A person served with the decision being appealed must transmit the *notice of appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the Federal Register, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413). You may state your reasons for appealing, if you desire.
2. **WHERE TO FILE NOTICE OF APPEAL**

U.S. Dept. of the Interior Office of the Secretary Office of Hearings & Appeals Board of Land Appeals 801 North Quincy St., MS 300-QC Arlington VA 22203 (703) 235-3750	U.S. Dept. of the Interior Office of the Solicitor Pacific Southwest Region 2800 Cottage Way, Room E-2753 Sacramento CA 95825-1890 (916) 978-5670	U.S. Dept. of the Interior Bureau of Land Management 5100 E. Winnemucca Blvd. Winnemucca, NV 89445 (775) 623-1500
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3. **STATEMENT OF REASONS**....Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the **United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy St., MS 300-QC, Arlington, VA 22203**. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413). Also send a copy to: **U.S. Dept. of the Interior, Office of the Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-2753, Sacramento CA 95825-1890**.
4. **ADVERSE PARTIES**....Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associate Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.
5. **PROOF OF SERVICE**....Within 15 days after any document is served on an adverse party, file proof of that service with the **United States Department of the Interior, Office of the Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy St., MS 300-QC, Arlington, VA 22203**. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)(2)).
6. **REQUEST FOR STAY**....except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards For Obtaining A Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) The likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practices involving appeals.

43 CFR SUBPART 1821—GENERAL INFORMATION

Sec. 1821.10. Where are BLM offices located?

(a) In addition to the Headquarters Office in Washington, D.C., and seven national level support and service centers, the BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION

Alaska State---Alaska

Arizona State Office---Arizona

California State Office---California

Colorado State Office---Colorado

Eastern States Office---Arkansas, Iowa, Louisiana, Minnesota, Missouri, and all States east of the Mississippi River

Idaho State Office---Idaho

Montana State Office---Montana, North Dakota, and South Dakota

Nevada State Office---Nevada

New Mexico State Office---Kansas, New Mexico, Oklahoma, and Texas

Oregon State Office---Oregon and Washington

Utah State Office---Utah

Wyoming State Office---Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the BLM can be obtained at the above addresses or any office of the BLM, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

Form 1842-1 (September 2005)